

April 4, 2013

Mr. Donnie Cabniss, Chairman  
Apache Tribe of Oklahoma  
P.O. Box 1220  
Anadarko, OK 73005

SUBJECT: INVITATION TO SECTION 106 CONSULTATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT REGARDING THE URENCO USA PROPOSED CAPACITY EXPANSION OF THE GAS CENTRIFUGE URANIUM ENRICHMENT FACILITY IN LEA COUNTY, NEW MEXICO

Dear Chairman Cabniss:

On November 9, 2012, URENCO USA (UUSA) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) to amend special nuclear materials license SNM-2010 to authorize UUSA to expand the existing gas centrifuge uranium enrichment facility near Eunice in Lea County, New Mexico. The UUSA facility is located within a 220-hectare (543-acre) parcel of land of which about 160 hectares (394 acres) have been disturbed by existing construction. With the proposed expansion, UUSA expects that surface disturbance would be limited to those areas previously disturbed for the construction of the existing facility. See the UUSA's Supplemental Environmental Report (ER) Figure 4.12-2, "Site Layout for UUSA" and Figure 4.1-1, "Site Plan Showing Proposed Facility Capacity Expansion and Undeveloped Areas." The Supplemental ER is available through NRC's web-based Agencywide Documents Access and Management System (ADAMS), which can be found at <http://www.nrc.gov/reading-rm/adams.html>. The accession number for the UUSA's Supplemental ER is ML122620653.

The gas centrifuge uranium enrichment process uses a large number of rotating cylinders (centrifuges). In this process, UF<sub>6</sub> gas is placed in centrifuges and rotated at a high speed to create a centrifugal force that separates the lighter U-235 atoms from the heavier U-238 atoms. To obtain the desired concentration of U-235, a number of centrifuges are connected in series.

UUSA submitted the application pursuant to the NRC requirements in 10 CFR Part 52. The NRC staff accepted the application for docketing on January 25, 2013. It is available through ADAMS under accession number ML12319A591. The Supplemental ER, which had been submitted in advance on September 10, 2012, is posted in ADAMS under the accession number ML122620653.

In September 2003, Louisiana Energy Services (LES) (now d/b/a UUSA), performed a survey of the proposed National Enrichment Facility (NEF) site (now known as the UUSA site). This survey titled "An Intensive Cultural Resources Inventory of 543 Acres for the National Enrichment Facility Near Eunice, Lea County, New Mexico" is publicly available through ADAMS under accession number ML040930424. Seven prehistoric archaeological sites were recorded within the 220 hectares (543 acres) proposed NEF site and, through consultation with the New Mexico State Historic Preservation Office and New Mexico State Land Office officials, were determined to be eligible for listing on the National Register of Historic Places.

A Memorandum of Agreement (MOA), available in ADAMS under accession number ML050530238, was executed on April 7, 2005, to formalize plans to resolve adverse impacts to all seven historic properties at the proposed NEF site, which included effects from both the licensing and land-exchange processes. On June 14, 2007, LES submitted a letter, available in ADAMS under accession number ML071700230, stating that they had finished the treatment plan. The treatment plan was implemented prior to the initial construction of the existing facility for all eligible sites on the UUSA property. The MOA continues to govern construction at the site.

Pursuant to Title 10 of the *Code of Federal Regulations* Part 51 (10 CFR Part 51), the NRC regulations that implement the National Environmental Policy Act of 1969, as amended (NEPA), the NRC is preparing an Environmental Assessment (EA) for the proposed action to assess potential environmental impacts that may significantly affect the human environment. In accordance with 36 CFR Part 800.8 (Coordination with the National Environmental Policy Act), the EA will also include analyses of impacts to historic properties. The NRC staff uses the NEPA process to comply with its obligation under Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

Accordingly, the NRC staff is identifying parties who may wish to consult with the staff concerning the potential impacts on historic properties resulting from the proposed action. Through this letter, the NRC staff invites you to participate as a consulting party under Section 106 of the National Historic Preservation Act and assist in the identification and evaluation of any additional historic properties that may be affected by the proposed action and development of alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. We invite you to submit any comments you may have within 30 days of the receipt of this letter. You may also contact us if you want to discuss concerns about the confidentiality of information that may be provided to the NRC.

Please note that correspondence provided to the NRC, including that provided by email, may be made publicly available according to NRC's policy. Therefore, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed (e.g., personal email addresses). If Tribal officials do not wish for their personal email addresses to be made public, please use an alternate email address when corresponding with the NRC.

D. Cabniss

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If you have any specific questions or comments on the proposed project, or need any additional information regarding the license application and the environmental review process, please contact Mr. Asimios Malliakos of my staff at (301) 415-6458 or by email at [Asimios.Malliakos@nrc.gov](mailto:Asimios.Malliakos@nrc.gov).

Sincerely,

**/RA/**

Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 70-3103

cc: Mr. Ponce Leon  
Dr. Jeff Pappas

D. Cabniss

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If you have any specific questions or comments on the proposed project, or need any additional information regarding the license application and the environmental review process, please contact Mr. Asimios Malliakos of my staff at (301) 415-6458 or by email at [Asimios.Malliakos@nrc.gov](mailto:Asimios.Malliakos@nrc.gov).

Sincerely,

Larry W. Camper, Director  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 70-3103

cc: Mr. Ponce Leon  
Dr. Jeff Pappas

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